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10/671,087	09/25/2003	Scott E. Sampson	51763/3	6319

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EXAMINER	
OYEBISI, OJO O	
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3696	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/671,087	SAMPSON, SCOTT E.	
	Examiner	Art Unit	
	OJO O. OYEBISI	3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28 and 31-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28 and 31-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/10/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In response to the restriction mailed on 01/06/09, the applicant has elected the invention of group 1 (claims 1-28, and 42-43) with traverse. The examiner found the applicant's argument to the restriction requirement quite persuasive, and the examiner has hereby withdrawn the restriction requirement. Claims 1-28 and 31-43 are currently pending. The amendment filed on 10/02/08 has necessitated the withdrawal of the rejection of claims 1-28 under 35 U.S.C 101.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claims 1-28, and 31-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio (US PAT: 6,023,682) in view of Eccles et al (US Pub No.: 2002/0123973).

Re claim 1. Checchio discloses a method comprising: an account holder associating a plurality of tokens with a financial account by recording the plurality of tokens in a token log, which electronic token log is accessible by a computing device an institution that is responsible for authorizing one or more transactions involving the account (i.e., the credit card company, see fig.1 element s6); and the account holder initiating a transaction involving the financial account by providing one of the tokens previously recorded in the electronic token log and an indication of the account to a vendor (i.e., merchant) (see fig.1 elements s2 and s3), wherein the vendor is to provide the token, the indication of the account, and information about the transaction to the computing device of the authorizing institution (see fig.1 element s5), which authorizing institution computing device provides the vendor with transaction authorization based on the token being found to exist in the token log (see fig.1 element s8). Checchio does not explicitly disclose wherein the vendor contacts the computing device of the authorizing institution through a communication channel that is distinct from a communication channel by which the plurality of tokens are recorded in the electronic token log. However, Eccles discloses wherein the vendor contacts the computing device of the authorizing institution through a communication channel that is distinct from a communication channel by which the plurality of tokens are recorded in the electronic token log (see fig.2 element 14, also see paras 0023). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Checcchio and Eccles to provide transaction security, making the accounts less susceptible to attempted unauthorized transactions.

Re claim 2. Checchio further discloses the method of claim 1, further comprising: rthe

computing device for the authorizing institution receiving the token, the indication of the account, and the transaction information from the vendor; checking whether the token exists in the token log; and notifying the vendor that the transaction is authorized based on the token being found to exist in the token log (see col.3 lines 9-46).

Re claim 3. Checchio further discloses a method comprising: an account holder associating a token with one or more conditions in an electronic token log that is accessible by the computing device of an institution that is responsible for authorizing one or more transactions involving a financial account (i.e., the credit card company, see fig.1 element s6); and the account holder initiating a transaction involving the financial account by providing the token and an indication of the account to a vendor (see fig.1 elements s2 and s3), wherein the vendor is to provide the token, the indication of the account, and information about the transaction to the computing device of the institution responsible for authorizing that transaction (see fig.1 element s5), which authorizing institution's computing device provides the vendor with transaction authorization based on the one or more conditions associated with the token in the token log being satisfied (see fig.1 element s8). Checchio does not explicitly disclose wherein the vendor contacts the computing device of the authorizing institution through a communication channel that is distinct from a communication channel by which the plurality of tokens are recorded in the electronic token log. However, Eccles discloses wherein the vendor contacts the computing device of the authorizing institution through a communication channel that is distinct from a communication channel by which the plurality of tokens are recorded in the electronic token log (see fig.2 element 14, also see paras 0023). Thus it would have been obvious to one of ordinary skill in the

art to combine the teachings of Checcchio and Eccles to provide transaction security, making the accounts less susceptible to attempted unauthorized transactions.

Re claim 4. Checchio further discloses the method of claim 3, further comprising: the computing device of the authorizing institution receiving the token, the indication of the account, and the transaction information from the vendor; the computing device checking whether the token exists in the token log; and the computing device notifying the vendor that the transaction is authorized based on the token being found to exist in the token log (see col.3 lines 9-46).

Re claim 5. Checchio further discloses a method comprising: receiving from an account holder an indication of one or more conditions for completing one or more transactions (see fig.1 element s2); associating a token with the one or more conditions in an electronic token log that is accessible by the computing device of an institution that is responsible for authorizing one or more transactions involving a financial account (i.e., the credit card company, see fig.1 element s6); and account holder initiating a transaction involving the financial account by providing the token and an indication of the account to a vendor (see fig.1 elements s2 and s3),, wherein the vendor is to provide the token, the indication of the account, and information about the transaction to the computing device of the institution responsible for authorizing that transaction (see fig.1 element s5), which authorizing institution computing device provides the vendor with transaction authorization based on the one or more conditions associated with the token in the token log being satisfied (see fig.1 element s8). Checchio does not explicitly disclose wherein the

vendor contacts the computing device of the authorizing institution through a communication channel that is distinct from a communication channel by which the plurality of tokens are recorded in the electronic token log. However, Eccles discloses wherein the vendor contacts the computing device of the authorizing institution through a communication channel that is distinct from a communication channel by which the plurality of tokens are recorded in the electronic token log (see fig.2 element 14, also see paras 0023). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Checcchio and Eccles to provide transaction security, making the accounts less susceptible to attempted unauthorized transactions.

Re claim 6. Checchio further discloses the method of claim 5, further comprising: the computing device of the authorizing institution receiving the token, the indication of the account, and the transaction information from the vendor; the computer device of the authorizing institution checking whether the one or more conditions associated with the token in the token log are satisfied; and the computer device of the authorizing institution notifying the vendor that the transaction is authorized responsive to the one or more conditions being satisfied (see col.3 lines 9-46).

Re claim 7. Checchio further discloses the method of claim 5, wherein the indication of the account is one of a credit card number, a debit card number, an online payment number, a merchant account number, and a bank account number (see the abstract).

Re claim 8. Checchio further discloses the method of claim 5, wherein the token log comprises an electronic data structure that associates specific tokens with one or more specific transaction conditions (see col.3 lines 9-46).

Re claim 9. Checchio further discloses the method of claim 5, wherein a transaction condition includes a maximum monetary amount for one or more specific transactions (i.e., purchase amount, seefig.1 element s3).

Re claim 10. Checchio further discloses the method of claim 5, wherein a transaction condition includes a pattern to match a name of the vendor for one or more specific transactions (see col.3 lines 9-46).

Re claim 11. Neither Checchio nor Eccles discloses the method of claim 5, wherein a transaction condition includes a time-frame in which one or more specific transactions are to be completed. However, official notice is taken that it is old and well-known in the financial world to add a time-frame to a financial transaction. Thus, it would have been obvious to one of ordinary skill in the art to incorporate what is old and well-known in the art into the combination of Checchio's and Eccles to allow the financial transaction to be completed at a specific time.

Re claim 12. Neither Checchio nor Eccles discloses the method of claim 5, wherein a transaction condition includes a number of times a specific token may be used to authorize transactions. However, official notice is taken that it is old and well-known in the financial world to add a time-frame to a financial transaction. Thus, it would have been obvious to one of ordinary skill in

the art to incorporate what is old and well-known in the art into the combination of Checchio's and Eccles to allow the financial transaction to be completed at a specific time.

Re claim 13. Neither Checchio nor Eccles discloses the method of claim 5, wherein a transaction condition includes a minimum time interval between uses of a specific token to authorize transactions. However, official notice is taken that it is old and well-known in the financial world to add a time-frame to a financial transaction. Thus, it would have been obvious to one of ordinary skill in the art to incorporate what is old and well-known in the art into the combination of Checchio's and Eccles to allow the financial transaction to be completed at a specific time.

Re claim 14. Checchio further discloses the method of claim 5, wherein a transaction condition includes the existence of a specific token in the token log (see col.3 lines 9-46).

Re claim 15. Checchio further discloses the method of claim 5, wherein a transaction condition includes a mechanism for non-repudiation of the financial transaction (see col.3 lines 9-46).

Re claim 16. Checchio further discloses the method of claim 6, wherein the token log is stored in a communication device of the account holder (see the abstract, also see col.3 lines 9-48)

Re claim 17. Checchio further discloses the method of claim 16, wherein the communication device is one of a telephone, a cell phone, a desktop computer, and a portable computing device (see the abstract).

Re claim 18. Checchio further discloses the method of claim 16, wherein checking whether the at least one condition associated with the token in the token log is satisfied is accomplished by

polling the account holder's communication device (see col.4 lines 14-40).

Re claim 19. Checchio further discloses the method of claim 18, wherein polling the account holder's communication device comprises: sending to the account holder's communication device a structured message containing transaction information and the specific token; and receiving from the account holder's communication device a structured message indicating whether the transaction is approved or denied based on the satisfaction of the one or more conditions (see col.3 lines 9-48, col.4 lines 13-32).

Re claim 20. Checchio further discloses the method of claim 18, wherein polling the account holder's communication device includes: sending to the account holder's communication device a structured message containing the specific token; receiving from the account holder's communication device information from the token log pertaining to the given token; and using the information to determine if the transaction should be approved or denied (see col.3 lines 9-48, col.4 lines 13-32).

Re claim 21. Checchio further discloses the method of claim 6, wherein the token log is stored at the location of the institution responsible for authorizing one or more transactions involving the financial account (see the abstract, also see col.3 lines 9-48).

Re claim 22. Checchio further discloses the method of claim 6, wherein the token log is stored at a third-party location accessible to both the account holder and the institution responsible for

authorizing one or more transactions involving the financial account (see the abstract, also see col.3 lines 9-48)

Re claim 23. Checchio further discloses the method of claim 6, wherein the vendor (i.e., merchant) is one of a seller of physical goods, a seller of services, a charitable organization, and an organization to which the account holder owes money (see the abstract).

Re claim 24. Checchio further discloses the method of claim 5, wherein associating one or more tokens includes receiving the at least one condition for the one or more tokens from an external source (see col.3 lines 8-47).

Re claim 25. Checchio further discloses the method of claim 5, wherein entries in the token log include an indication of a type of transaction corresponding to one or more specific tokens (see col.3 lines 9-48, col.4 lines 13-32).

Re claim 26. Checchio further discloses the method of claim 5, further comprising automatically creating one or more token within a communication device of the account holder (see fig.1 element s3).

Re claim 27. Checchio further discloses the method of claim 5, wherein providing the token to a vendor includes entering a pass code in order to access the desired token (see fig.1 element s2).

Re claim 28. Checchio further discloses the method of claim 5, wherein providing the token to a vendor includes presenting a token that is known by the account holder to have been previously stored in the token log (see col.3 lines 9-47).

Re claim 31. Checchio further discloses an electronic computing system comprising: a token creator to enter and store one or more tokens in computer memory (see fig.1 element s3, see the abstract, also see col.3 lines 9-48).; a token log to associate in the memory specific tokens with specific conditions under which specific financial transactions will be valid (see fig.1 element s6); and a token access sub-system to make one or more tokens available to an account holder for distribution to one or more vendors involved in transactions pertaining to an account of the account holder (see fig.1 element s5, also see col.4 lines 15-40), wherein each vendor is to provide a specific token, an indication of the account, and information about a transaction to an institution responsible for authorizing one or more transactions involving the account (see fig.1 element s5), which institution looks up the specific token in the token log and authorizes each vendor to complete each vendor's transaction responsive to the specific conditions associated with each specific token in the token log being satisfied (see fig.1 element s8, also see col.4 lines 15-40). Checchio does not explicitly disclose wherein the institution look up the specific token in the token log through a communication channel that is distinct from a communication channel by which the institution is provided with the token, the indication of the account, and information about the transaction. However, Eccles discloses wherein the institution look up the specific token in the token log through a communication channel that is distinct from a communication channel by which the institution is provided with the token, the indication of the account, and

information about the transaction (see fig.2, also see paras 0023). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Checcchio and Eccles to provide transaction security, making the accounts less susceptible to attempted unauthorized transactions.

Re claim 32. Checchio further discloses the system of claim 31, wherein the indication of an account is one of a credit card number, a debit card number, an online payment number, a merchant account number, and a bank account number (see the abstract).

Re claim 33. Checchio further discloses the system of claim 31, wherein the token log comprises an electronic data structure that associates specific tokens with one or more specific transaction conditions (see fig.1 element s6)

Re claim 34. Checchio further discloses the system of claim 31, wherein the specific conditions include a maximum monetary amount for one or more specific transactions (see the abstract).
Re claim 35. Checchio further discloses the system of claim 31, wherein the specific conditions include a pattern to match a name of the vendor for one or more specific transactions (see the abstract)
Re claim 36. Neither Checchio nor Eccles explicitly discloses the system of claim 31, wherein the specific conditions include a time-frame in which one or more specific transactions are to be completed. However, official notice is taken that it is old and well-known in the financial world

to add a time-frame to a financial transaction. Thus, it would have been obvious to one of ordinary skill in the art to incorporate what is old and well-known in the art into the combination of Checchio and Eccles to allow the financial transaction to be completed at a specific time.

Re claim 37. Neither Checchio nor Eccles explicitly disclose the system of claim 31, wherein the specific conditions include a number of times a specific token may be used to authorize transactions. However, official notice is taken that it is old and well-known in the financial world to add a time-frame to a financial transaction. Thus, it would have been obvious to one of ordinary skill in the art to incorporate what is old and well-known in the art art into the combination of Checchio and Eccles to allow the financial transaction to be completed at a specific time.

Re claim 38. Neither Checchio nor Eccles explicitly discloses the system of claim 31, wherein the specific conditions include a minimum time interval between uses of a specific token to authorize transactions. However, official notice is taken that it is old and well-known in the financial world to add a time-frame to a financial transaction. Thus, it would have been obvious to one of ordinary skill in the art to incorporate what is old and well-known in the art into the combination of Checchio and Eccles to allow the financial transaction to be completed at a specific time.

Re claim 39. Checchio further discloses the system of claim 31, wherein the specific conditions include the existence of a specific token in the token log (see col.3 lines 9-46).

Re claim 40. Checchio further discloses an electronic computing system of financial institution system comprising: a communication interface for receiving a token, an indication of an account, and information about a transaction from a vendor which token was previously stored by an account holder in an electronic token log that is not accessible by a vendor but is accessible by the financial institution (see fig.1 element s5); a transaction authorization module for checking whether at least one condition associated with the token in the token log is satisfied (i.e., a token match, see fig.1 element s8, also see col.3 lines 9-46); wherein the communication interface is to notify the vendor that the transaction is authorized responsive to the at least one condition being satisfied (see col.4 lines 5-14) (see col.3 lines 10-66, more specifically col.3 lines 47-66). Checchio does not explicitly disclose wherein the token, the indication of the account, anti the information about the transaction are received at the communication interface through a communication channel that is distinct from a communication channel by which the transaction authorization module checks whether the at least one condition associated with the token in the token log is satisfied. However, Eccles discloses wherein the token, the indication of the account, anti the information about the transaction are received at the communication interface through a communication channel that is distinct from a communication channel by which the transaction authorization module checks whether the at least one condition associated with the token in the token log is satisfied. Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Checcchio and Eccles to provide transaction security, making the accounts less susceptible to attempted unauthorized transactions.

Re claim 41. Checchio further discloses an apparatus comprising: means for account holder storing one or more tokens in an electronic token log (see col.3 lines 30-34); means for an account holder associating each token in the electronic token log with conditions under which specific financial transactions are valid (see col.3 lines 47-52); means for the account holder accessing tokens so that they can be associated with specific financial transactions (see col.4 lines 5-12); and means for the financial institution authorizing specific transactions by verifying that the conditions for the tokens associated with the specific transactions are met (see col.4 lines 7-11). Checchio does not explicitly disclose wherein the financial institution authorizes specific transactions through a communication Channel that is distinct from a communication channel by which the tokens are associated with conditions in the electronic token log. However, Eccles discloses wherein the financial institution authorizes specific transactions through a communication Channel that is distinct from a communication channel by which the tokens are associated with conditions in the electronic token log. Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Checcchio and Eccles to provide transaction security, making the accounts less susceptible to attempted unauthorized transactions.

Re claim 42. Claim 42 recites similar limitations to claim 1 and thus rejected using the same art and rationale as in claim 1 supra.

Re claim 43. Checchio further discloses the computer-readable medium of claim 42, further comprising: program code for receiving the token, the indication of the account, and the transaction information from the vendor (see fig.1 element s5); program code for checking

whether the one or more conditions associated with the token in the token log are satisfied (i.e., a token match, see fig.1 element s8, also see col.3 lines 9-46); and program code for notifying the vendor that the transaction is authorized responsive to the one or more conditions being satisfied (see col.4 lines 5-14) (see col.3 lines 10-66, more specifically col.3 lines 47-66).

Response to Arguments

Applicant's arguments with respect to claims 1-28, 31-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OJO O OYEBISI/
Primary Examiner, Art Unit 3696